

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

NO. 4:11-CR-47-2BR

UNITED STATES OF AMERICA, :
 :
 v. :
 :
ANTHONY DAWSON :

ORDER FOR DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure and by leave of Court endorsed herein, the United States Attorney for the Eastern District of North Carolina, hereby dismisses Count Eight of the Indictment against the above-captioned defendant only, for the following reasons:

Based on the decision in United States v. Simmons, 2011 WL 3607266 (4th Cir. 2011), the defendant has not been convicted of a crime punishable by imprisonment for a term exceeding one year. As a result, the defendant cannot be prosecuted federally for felon in possession of a firearm, in violation of Title 18, United States Code, Section 922(g)(1).

Leave of court is hereby ALLOWED. Defendant's motion to dismiss is DENIED as moot.

This 22nd day of August 2011.



W. Earl Britt
Senior U.S. District Judge